

May 14, 2007
Date of Deposit



Our Case No. 8285/389

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Carol Gruchala)
Serial No.: 09/652,540) Examiner: Nguyen, Quynh H.
Filing Date: Aug. 31, 2000) Group Art Unit No.: 2614
For: METHOD, SYSTEM AND)
ARTICLE FOR PROVIDING A)
FAMILY TELECOMMUNICATION)
SERVICE USING AN)
ORIGINATING DUAL-TONE)
MULTI-FREQUENCY TRIGGER)

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 23, 2007, Applicants respectfully appeal the final rejection entered by the examiner and provide this Appeal Brief in support thereof. The fee required under 37 CFR §§ 41.20(b)(2) and 41.37(a)(2) is included herewith.

05/15/2007 TBESHAH1 00000043 231925 09652540
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I. Real Party in Interest

AT&T Knowledge Ventures, L.P. is the real party in interest.

II. Related Appeals and Interferences

None.

III. Status of Claims

Claims 1-17 are pending, stand rejected, and are the subject of this appeal.

IV. Status of Amendments

Applicants have not filed any amendments subsequent to the final rejection.

V. Summary of Claimed Subject Matter

The current application discloses systems and methods for providing a family telecommunication service using an originating dual-tone multi-frequency trigger. The independent claims described below do not stand and fall together.

Independent claim 1 is directed to a method for providing a telecommunication service. Specifically, claim 1 recites providing a menu to a caller from a telephone network element in a telephone call. (See Page 4, lines 10-12; Page 7, lines 2-8). The menu provides a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence. (See Figure 2; Page 4, lines 6-19; Page 8, line 9 – Page 10, line 7; Page 10, lines 7-15).

A first selection of one of the destination options is received from the caller in the telephone call at a switch located within a public switched telephone network. (See Figure 3; Page 11, lines 9-11) A service control point coupled with the switch routes the telephone call to a first telephone number corresponding to the first selection. (See Figure 3; Page 11, line 16 – Page 12, line 2). After routing the telephone call to the first telephone number, an originating dual-tone multi-frequency trigger is detected from the caller in the telephone call at the switch. (See Figure 3; Page 5, lines 6-19; Page 12, lines 3-16).

After the detecting, the telephone call to the first telephone number is interrupted and a second selection of one of the destination options is received from the caller in the telephone call at the switch. (See Figure 3; Page 12, line 17 – Page 13, line 1). The service control point then routes the telephone call to a second telephone number corresponding to the second selection. (See Figure 3; Page 13, lines 1-3).

Dependent claim 4 recites providing at least a portion of the menu in the telephone call after detecting the originating dual-tone multi-frequency trigger in the telephone call. (See Page 12, line 26 – Page 13, line 8).

Independent claim 5 is directed to a system for providing a telecommunication service. Specifically, claim 5 recites a system comprising a telephone network element and at least one service control point. The telephone network element is located in a public switched telephone network having a first trigger to detect a telephone call placed by a calling party to a telephone number and an originating dual-tone multi-frequency trigger which enables the calling party to interrupt the telephone call. (See Page 7, lines 9-17). The at least one service control point comprises service logic accessible by the telephone network element.

The service logic directs acts of providing a menu to a caller in the telephone call in response to the first trigger. (See Page 4, lines 10-12; Page 7, lines 2-8). The menu provides a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence. (See Figure 2; Page 4, lines 6-19; Page 8, line 9 – Page 9, line 8; Page 10, lines 7-15).

The service logic additionally directs acts of receiving from the caller, a first selection of one of the destination options in the telephone call at the telephone network element and using the at least one service control point to route the telephone call to a first telephone number corresponding to the first selection. (See Figure 3; Page 11, line 9 – Page 12, line 2).

The service logic further directs acts of, in response to the originating dual-tone multi-frequency trigger received from the caller, receiving from the caller, a second selection of one of the destination options in the telephone call at the telephone network element and using the at least one service control point to route the telephone

call to a second telephone number corresponding to the second selection. (See Figure 3; Page 5, lines 6-9; Page 12, line 3 – Page 13, line 3).

Dependent 8 recites wherein the service logic directs an act of providing at least a portion of the menu in the telephone call in response to the originating dual-tone multi-frequency trigger. (See Page 12, line 26 – Page 13, line 8).

Independent claim 9 is directed to a computer-readable medium comprising computer-readable data for providing a telecommunication service, the computer-readable data to direct one or more telephone network elements to perform a series of acts. Specifically, claim 9 recites providing a menu to a caller from a telephone network element in a telephone call. (See Page 4, lines 10-12; Page 7, lines 2-8). The menu provides a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence. (See Figure 2; Page 4, lines 6-19, Page 8, line 9 – Page 9, line 8; Page 10, lines 7-15).

A first selection of one of the destination options is received from the caller in the telephone call at a switch located within a public switched telephone network. (See Figure 3; Page 11, lines 9-11). A service control point coupled with the switch routes the telephone call to a first telephone number corresponding to the first selection. (See Figure 3; Page 11, line 9 – Page 12, line 2). Upon detecting an originating dual-tone multi-frequency trigger from the caller which interrupts the telephone call, a second selection of one of the destination options is received from the caller in the telephone call at the switch. (See Figure 3; Page 5, lines 6-9; Page 12, line 3 – Page 13, line 1). The service control point then routes the telephone call to a second telephone number corresponding to the second selection. (See Figure 3; Page 13, lines 1-3).

Dependent claim 12 recites wherein the computer-readable data further directs the one or more telephone network elements to perform an act of providing at least a portion of the menu in the telephone call upon detecting the dual-tone multi-frequency trigger which interrupts the telephone call. (See Page 12, line 26 – Page 13, line 3).

VI. Grounds of Rejections to Be Reviewed on Appeal

1. Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,879,676 ("Contractor") in view of U.S. Pat. No. 5,953,401 ("Caveney").

VII. Argument

A. It Is Improper to Combine Contractor and Caveney

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983); MPEP §§ 2141.02 and 2145. Caveney is directed to a call processor for use with a telephone switching system that allows an incoming caller to complete the call to an internal destination ***without operator assistance and without receiving a generated voice message***. (Abstract). The portion of Contractor cited by the Examiner discloses providing a routing menu to a caller, which is the very action that Caveney is attempting to avoid. Applicants respectfully submit that due to the fact Caveney teaches away from a user receiving a generated voice message such as a menu, and the portion of Caveney cited by the Examiner discloses a user receiving a generated voice message such as a menu, it is improper to combine Contractor and Caveney as contemplated by the Examiner.

B. Rejection of Independent Claim 1 and Dependent Claims 2, 3, and 13015 As Being Unpatentable Over Contractor In View of Caveney

Independent claim 1 was rejected as being obvious over Contractor in view of Caveney. Claim 1 recites providing a menu to a caller from a telephone network element in a telephone call, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence. The Examiner has admitted that Caveney does not teach providing a menu to a caller. (See Office Action dated Dec. 1, 2005, page 6). The only reference cited by the Examiner that provides a menu to a caller is Contractor. However, Contractor fails to teach the above-recited element.

Contractor is directed to a system and method for routing a call to an optimal location. In the portion of Contractor cited by the Examiner, a user calls a main number

for a conglomerate of car dealerships and is provided a menu for selecting which specific car dealership the caller would like their call routed to. For example, a caller may choose to route their call to a BMW dealership, a Ford dealership, or a Toyota dealership. Contractor does not disclose providing a menu for routing a call to different locations associated with a family as recited in claim 1 such as a first destination option **for a residence of a family**, a second destination option **for a first member of the family at a first location other than the residence**, and a third destination option **for a second member of the family at a second location other than the residence**.

The specification of the current application defines family members as blood relationships such as a parent of a child or legal relationships such as a legal guardian of a child. (See Page 8, line 9 – Page, line 8). In the Office Action dated Nov. 14, 2006, the Examiner asserts that Contractor discloses that for a conglomerate of car dealerships, a different family member owns each car dealership. (See Office Action dated Nov. 14, 2006, page 5). Applicant respectfully disagrees. Contractor does not disclose that for a conglomerate of car dealerships, a different family member owns each car dealership.

Because both Contractor and Caveney fail to disclose at least providing a menu to a caller from a telephone network element in a telephone call, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence, and because it is improper to combine Contractor and Caveney, the proposed combination of Contractor and Caveney necessarily cannot render independent claim 1, or any claim that depends on claim 1, unpatentable.

C. Rejection of Independent Claim 5 and Dependent Claims 6, 7, and 16 As Being Unpatentable Over Contractor In View of Caveney

Independent claim 5 was rejected as being obvious over Contractor in view of Caveney. Claim 5 recites at least one service control point including service logic to direct the act of providing a menu to a caller in a telephone call in response to a first trigger, the menu providing a plurality of destination options including a first destination option **for a residence of a family**, a second destination option **for a first member of**

the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence. Contractor and Caveney fail to disclose at least this element. For at least this reason, and because it is improper to combine Contractor and Caveney, the proposed combination of Contractor and Caveney necessarily cannot render independent claim 5, or any claim that depends on claim 5, unpatentable.

D. Rejection of Independent Claim 9 and Dependent Claims 10, 11, and 17 As Being Unpatentable Over Contractor In View of Caveney

Independent claim 9 was rejected as being obvious over Contractor in view of Caveney. Claim 9 recites to a computer-readable medium having computer-readable data which directs one or more telephone network elements to perform the act of providing a menu to a caller in a telephone call, the menu providing a plurality of destination options including a first destination option **for a residence of a family**, a second destination option **for a first member of the family at a first location other than the residence**, and a third destination option **for a second member of the family at a second location other than the residence**. Contractor and Caveney fail to disclose at least this element. For at least this reason, and because it is improper to combine Contractor and Caveney, the proposed combination of Contractor and Caveney necessarily cannot render independent claim 9, or any claim that depends on claim 9, unpatentable.

E. Rejection of Dependent Claims 4, 8, and 12 As Being Unpatentable Over Contractor In View of Caveney

In addition to the reasons set forth above with respect to independent claims 1, 5, and 9, dependent claims 4, 8, and 9 provide additional grounds for patentability. Dependent claims 4, 8, and 9 recite that at least a portion of a menu is provided in a telephone call after detecting an originating dual-tone multi-frequency trigger, or in response to detecting an originating dual-tone multi-frequency trigger. The Examiner has admitted that Caveney does not teach providing a menu to a caller. (See Office Action dated Dec. 1, 2005, page 6). The only reference cited by the Examiner that provides a menu to a caller is Contractor. However, the Examiner has also admitted that Contractor fails teach detecting an originating dual-tone multi-frequency trigger in a telephone call. (See Office Action dated Nov. 14, 2006, page 3). Thus, both Contract

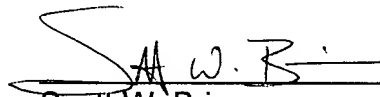
and Caveney fail to teach providing a portion of a menu based on detecting an originating dual-tone multi-frequency trigger.

Because Contractor and Caveney fail to teach providing at least a portion of a menu in a telephone call after detecting an originating dual-tone multi-frequency trigger, or in response to detecting an originating dual-tone multi-frequency trigger, the proposed combination of Contractor and Caveney necessarily do not render dependent claims 4, 8, and 12 unpatentable.

VIII. Conclusion

For the reasons set forth above, Applicant respectfully submits that all of the pending claims are patentable over the applied references. Accordingly, Applicant respectfully requests removal of the pending rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. W. Brim", is written over a horizontal line.

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IX. Claims Appendix

1. A method of providing a telecommunication service, the method comprising:
 - providing a menu to a caller from a telephone network element in a telephone call, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence;
 - receiving from the caller, a first selection of one of the destination options in the telephone call at a switch located within a public switched telephone network;
 - using a service control point coupled to the switch to route the telephone call to a first telephone number corresponding to the first selection;
 - after said routing the telephone call to the first telephone number, detecting an originating dual-tone multi-frequency trigger from the caller in the telephone call at the switch;
 - after said detecting:
 - interrupting the telephone call to the first telephone number;
 - receiving from the caller, a second selection of one of the destination options in the telephone call at the switch; and
 - using the service control point to route the telephone call to a second telephone number corresponding to the second selection.
2. The method of claim 1 wherein the plurality of destination options further includes a fourth destination option for the first member of the family at a third location other than the residence, the first location, and the second location.
3. The method of claim 1 wherein the second destination option is for a mobile telephone.
4. The method of claim 1 further comprising:
 - providing at least a portion of the menu in the telephone call after said detecting.

5. A system comprising:

a telephone network element located within a public switched telephone network having a first trigger to detect a telephone call placed by a calling party to a telephone number and an originating dual-tone multi-frequency trigger which enables the calling party to interrupt the telephone call; and

at least one service control point having service logic accessible by the telephone network element, the service logic to direct acts of:

providing a menu to a caller in the telephone call in response to the first trigger, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence;

receiving from the caller, a first selection of one of the destination options in the telephone call at the telephone network element and using the at least one service control point to route the telephone call to a first telephone number corresponding to the first selection; and

in response to the originating dual-tone multi-frequency trigger received from the caller, receiving from the caller, a second selection of one of the destination options in the telephone call at the telephone network element and using the at least one service control point to route the telephone call to a second telephone number corresponding to the second selection.

6. The system of claim 5 wherein the plurality of destination options further includes a fourth destination option for the first member of the family at a third location other than the residence, the first location, and the second location.

7. The system of claim 5 wherein the second destination option is for a mobile telephone.

8. The system of claim 5 wherein the service logic is further to direct an act of: providing at least a portion of the menu in the telephone call in response to the

originating dual-tone multi-frequency trigger.

9. A computer-readable medium having computer-readable data which directs one or more telephone network elements to perform acts of:

providing to a caller a menu from a telephone network element in a telephone call, the menu providing a plurality of destination options including a first destination option for a residence of a family, a second destination option for a first member of the family at a first location other than the residence, and a third destination option for a second member of the family at a second location other than the residence;

receiving from the caller, a first selection of one of the destination options in the telephone call at a switch located within a public switched telephone network and using a service control point coupled with the switch to route the telephone call to a first telephone number corresponding to the first selection; and

upon detecting an originating dual-tone multi-frequency trigger from the caller which interrupts the telephone call, receiving from the caller, a second selection of one of the destination options in the telephone call at the switch and using the service control point to route the telephone call to a second telephone number corresponding to the second selection.

10. The computer-readable medium of claim 9 wherein the plurality of destination options further includes a fourth destination option for the first member of the family at a third location other than the residence, the first location, and the second location.

11. The computer-readable medium of claim 9 wherein the second destination option is for a mobile telephone.

12. The computer-readable medium of claim 9 wherein the computer-readable data further directs the one or more telephone network elements to perform an act of:

providing at least a portion of the menu in the telephone call upon detecting the dual-tone multi-frequency trigger which interrupts the telephone call.

13. The method of claim 1 further comprising:

receiving a personal identification number in the telephone call.

14. The method of claim 1 wherein the telephone call is initially placed to a toll-free number.

15. The method of claim 1, wherein the telephone network element is within the public switched telephone network.

16. The system of claim 5, wherein the telephone network element is within the public switched telephone network.

17. The computer-readable medium of claim 9, wherein the telephone network element is within the public switched telephone network.

X. Evidence Appendix

None.

XI. Related Proceedings Appendix

None.

"Express Mail" mailing label number
EV964285251US

Date of Deposit: May 14, 2007

Case No. **8285-389**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carol Gruchala

Serial No: 09/652,540

Examiner: Nguyen, Quynh

Filed: August 31, 2000

Group Art Unit: 2614

For: METHOD, SYSTEM AND
ARTICLE FOR PROVIDING A
FAMILY
TELECOMMUNICATION
SERVICE USING AN
ORIGINATING DUAL-TONE
MULTI-FREQUENCY TRIGGER

PETITION AND FEE FOR EXTENSION OF TIME (37 CFR § 1.136(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition for an extension of the time to respond to Notice of Panel Decision from Pre-Appeal Brief Review dated March 23, 2007 for a period of one month(s).

☒ Applicant:

☐ claims small entity status. See 37 C.F.R. §1.27.

☒ is other than small entity.

| | <u>Extension Months</u> | <u>Other Than Small Entity</u> | <u>Small Entity</u> |
|-------------------------------------|------------------------------------|---|----------------------------|
| <input checked="" type="checkbox"/> | One Month | \$120.00 | \$60.00 |

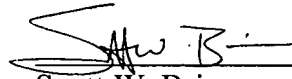
| | | | |
|--------------------------|--------------|------------|------------|
| <input type="checkbox"/> | Two Months | \$450.00 | \$225.00 |
| <input type="checkbox"/> | Three Months | \$1,020.00 | \$510.00 |
| <input type="checkbox"/> | Four Months | \$1,590.00 | \$795.00 |
| <input type="checkbox"/> | Five Months | \$2,160.00 | \$1,080.00 |

Fee Payment

- ☐ Attached is a check for \$_____ for the Petition fee.
- ☐ Attached is a credit card authorization form for \$_____ for the Petition fee.
- ☒ Charge Petition fee to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.
- ☒ Charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Respectfully submitted,

Dated: May 14, 2007



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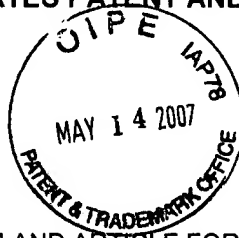
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Carol Gruchala

Appln. No.: 09/652,540

Filed: August 31, 2000

For: METHOD, SYSTEM AND ARTICLE FOR
PROVIDING A FAMILY
TELECOMMUNICATION SERVICE USING AN
ORIGINATING DUAL-TONE MULTI-
FREQUENCY TRIGGER



Examiner: Nguyen, Quynh
H.

Art Unit: 2614

Attorney Docket No: 8285-389

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Appeal Brief (14 pgs); Petition and Fee for Extension of Time (1-month)
- ☒ Return Receipt Postcard.

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☒ An extension fee in an amount of \$120.00 for a one-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$25= | | | x \$50= | |
| Indep. | | Minus | | | X100= | | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$180= | | | + \$360= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$500.00 and \$120.00. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

May 14, 2007

Date:

Scott W. Brim (Reg. No. 51,500)

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